

11-006

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING,
AMENDING, REPEALING AND RECREATING, AND CREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal NR 26.24(38); to amend NR 20.20(2)(c)1., 20.20(3)(b), 20.20(5)(h), 20.20(21)(d)1., 20.20(43)(b), 20.20(44)(c)2., 20.20(44)(g)2., 20.20(49)(am)2., 20.20(51)(bm)1., 20.20(56)(e)1., 20.20(57)(e), 20.20(57)(i)3., 20.20(57)(i)4., 20.20(59)(a)2., 20.20(64)(d)2., 20.20(66)(bm), 20.20(68)(a)2., 20.20(73)(b)3s., 20.20(73)(g)2., and 20.20(73)(g)3.; to repeal and recreate NR 20.20(7)(c); and to create NR 20.03(6m), 20.03(31m), 20.03(39t), 20.06(11), 20.20(3)(am)3., 20.20(5)(c)2., 20.20(5)(em), 20.20(16)(c)2., 20.20(24)(b), 20.20(39)(b), 20.20(44)(b)4., 20.20(45)(a)2., 20.20(57)(d)4., 20.20(57)(d)5., 20.20(59)(bm), 20.20(60)(b)2., 23.05(5)(k), 26.01(46)(title), 26.01(46)(a) and 26.34; relating to fishing on the inland, outlying, and boundary waters of Wisconsin.

FH-03-11

Analysis Prepared by the Department of Natural Resources

1. Statutes Interpreted: In promulgating this rule, ss. 29.014(1), 29.039, 29.041, 29.053, 29.531, and 29.533, Stats., which authorize fishing, have been interpreted as giving the department the authority to make changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

2. Statutory Authority: ss. 29.014(1), 29.039, 29.041, 29.053 and 227.11(2)(a), Stats.

3. Explanation of Agency Authority to Promulgate the Proposed Rules Under the Statutory Authority: Sections 29.014(1), 29.039, 29.041, 29.053 grant rule making authority to the department to establish and maintain open and closed seasons for fish and any bag limits, size limits, rest days and conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing; grant that the department may establish limitations relating to taking, possession, transportation, processing, and sale or offer for sale, of nongame species; and provide that the department may regulate fishing on and in all interstate boundary waters and outlying waters. Section 227.11(2)(a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

4. Related Rule or Statute: None.

5. Plain Language Rule Analysis:

Sections 1, 2, 3, and 4 define circle hooks and quick-strike rigs and require their use when fishing with an 8-inch or longer minnow as bait.

Sections 5, 13, 18, 22, 25, and 30 decrease the minimum size restriction to 28 inches for muskellunge on ten waters: English and Mineral lakes (Ashland county), Bearskin, Booth, and Squaw lakes (Oneida county), Julia lake (Oneida and Forest counties), Butternut and Solberg lakes (Price county), Spider lake (Sawyer county), and Upper Gresham lake (Vilas county). These changes are made in conjunction with section 34.

Sections 6, 11, 12, 21, 24, and 31 eliminate the minimum size restriction for largemouth and smallmouth bass in all waters of Burnett County except Namekagon, St. Croix, and Totagatic rivers which would retain a minimum size restriction of 14 inches, and all waters of Washburn County except Balsam, Birch, Red Cedar and Shell lakes, Trego Flowage, and Namekagon and Totagatic rivers which would retain a minimum size restriction of 14 inches. The minimum size restriction is eliminated for all Burnett and

Washburn county border boundary lakes and flowages (sections 6, 12, 21, 24). The dates of the open seasons do not change.

Section 7 increases the minimum size restriction from 40 to 50 inches for muskellunge in Rice and Stump lakes (Barron county).

Section 8 establishes a protected slot size for largemouth and smallmouth bass in Lilly lake (Brown county) that allows hook and line fishing from the first Saturday in May to the first Sunday in March, a daily bag limit of 3 in total, and no minimum length, except the possession of fish from 14 through 18 inches is prohibited and only 1 may be longer than 18 inches.

Section 9 reduces the daily bag limit from 25 to 10 fish in aggregate for panfish in Lilly lake (Brown county).

Section 10 eliminates the 15-inch minimum size restriction on walleye, sauger, and hybrids in the Lower Fox river (Brown county) to make regulations consistent with the adjacent waters of the Lower Fox river (Outagamie and Winnebago counties).

Sections 14, 15, and 33 modify hook and line fishing for catfish in all waters of Green Lake and Marquette counties, which includes a current continuous open season for channel catfish and establishes an open season from the first Saturday in May to September 30 for flathead catfish; a daily bag limit of 25 catfish in total remains in effect but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline; and no minimum size restriction except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited. These changes make hook and line fishing for catfish in these two counties consistent with rules in Lake Winnebago system waters.

Sections 14 and 15 also re-establish an open area for set or bank pole and setline fishing for catfish on the Fox river (Green Lake and Marquette counties) 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive from the Saturday nearest May 20 to September 30. There will be no bag limit, but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline, and no minimum size restriction except 30 inches for flathead catfish and possession of flathead catfish from 36 to 42 inches is prohibited.

Sections 16 and 28 increase the minimum size restriction from 40 to 50 inches for three spotted muskellunge brood stock lakes: Archibald and Anderson lakes (Oconto county), and Big Elkhart lake (Sheboygan county).

Section 17 eliminates the current 14-inch minimum size restriction for largemouth and smallmouth bass in the Minocqua Chain (Oneida county).

Section 19 increases the minimum size restriction from 15 to 18 inches and decreases the daily bag limit from 5 fish to 3 fish for walleye, sauger, and hybrids in the Minocqua Chain (Oneida county).

Sections 20, 27, and 32 add the Appleton Memorial pond (Outagamie county), the Kohler-Andrae State Park pond (Sheboygan county), and the Delafield Rearing pond (Waukesha county) to the State's urban fishing program. The program creates a continuous open season but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April. Waters in the program have daily bag limits of 1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total, and an unlimited number of rough fish.

Section 23 increases the minimum size restriction from 40 to 50 inches for muskellunge in Redstone lake (Sauk county).

Section 26 decreases the minimum size restriction from 28 to 18 inches and increases the daily bag limit from 1 fish to 3 fish for walleye, sauger, and hybrids in Black Dan and Island lakes (Sawyer county).

Section 29 establishes a protected slot size for largemouth and smallmouth bass in Glen and Squaw lakes (St. Croix county) that allows hook and line fishing from the first Saturday in May to the first Sunday in March with a bag limit of 3 fish in total and no minimum length, but the possession of fish from 14 through 18 inches is prohibited, and only one may be longer than 18 inches.

Section 34 increases the statewide minimum size restriction to 40 inches for muskellunge on all waters currently at a 34-inch minimum size restriction. As noted, sections 5, 13, 18, 22, 25, and 30 decrease the minimum size restriction to 28 inches for muskellunge on ten waters: English and Mineral lakes (Ashland county), Bearskin, Booth, Julia, and Squaw lakes (Oneida county), Butternut and Solberg lakes (Price county), Spider lake (Sawyer county), and Upper Gresham lake (Vilas county). As a result, approximately 600 waters would have a 40-inch minimum size restriction, 20 waters would have a 28-inch minimum size restriction and 20 waters would continue to have a 45- or 50-inch minimum size restriction.

Section 35 establishes a continuous hook and line fishing season for cisco (lake herring), whitefish, and hybrids in the Wisconsin-Michigan boundary waters with a possession and daily bag limit of 10 in total and no size limit. Michigan has agreed to pursue a similar change to its regulations which will make Wisconsin and Michigan rules consistent.

Section 36 establishes a year-round fish refuge in the Milwaukee river within the fishway at the Thiensville-Mequon dam, located at river mile 20 (Ozaukee county).

Sections 37 and 38 alter the boundaries of an existing fish refuge on the Peshtigo river (Marinette county) because the existing privately-owned foot bridge boundary marker will be removed.

Sections 37 and 38 also extend the end date of the fish refuge on the Peshtigo river (Marinette county) from May 15 to May 31.

6. Summary of and Comparison with Existing or Proposed Federal Regulations: None known.

7. Comparison of Similar Rules in Adjacent States: Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons and bag and size limits may differ for species across the surrounding states; however, the general principles are similar. Michigan, Minnesota, Iowa, and Illinois all have statewide seasons and bag and size limits for fish species, along with special or experimental regulations on individual waters.

8. Summary of Factual Data and Analytical Methodologies Used in Support of the Rule: Rule proposals were developed by fisheries and law enforcement staff to address management and enforcement concerns. Proposals were reviewed for need and adequacy, and approved by a fish team or law enforcement team supervisor and forwarded to regional directors for approval. Proposals approved by the regions were forwarded to the Fisheries Management Bureau Director, who conducted a review with the Fisheries Management Board, the bureaus of Law Enforcement and Legal Services, the Wisconsin Conservation Congress, and the Great Lakes Indian Fish and Wildlife Commission. Only proposals approved by the Fisheries Management Bureau Director are included.

9. Analysis and Documentation Used in Support of the Agency's Determination Under s. 227.114, Stats., (Small Business Impact): The proposed rules do not apply directly to businesses, but to sport anglers.

10. Effect on Small Business, Including How the Rule Will Be Enforced: The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. The rules will be enforced by Conservation Wardens who have arrest powers and may use citations.

11. Agency contact person: Kate Strom Hiorns, FM/4 , 101 South Webster Street, Madison, WI 53707-7921; email: kathryn.stromhiorns@wisconsin.gov; phone: 608.266.0828

12. Deadline for Written Comments: The deadline for written comments was April 11, 2011.

Section 1. NR 20.03(6m) is created to read:

NR 20.03 (6m) “Circle hook” means a hook that is curved in a circular or oval shape so that the tip of the point is turned and perpendicular to the shank and is designed so that the tip end of the hook is not offset or angled sideways and is in alignment with the shank.

Note: The top picture displays a J hook (left) and a circle hook (right). The bottom picture displays a non-offset hook (left) and an offset hook (right).



Section 2. NR 20.03(31m) is created to read:

NR 20.03 (31m) “Quick-strike rig” means a bait rig with one or more treble hooks attached to the body of a minnow, behind the head. This rig may include a jig or other hook in the snout of a minnow along with one or more treble hooks attached to the body of a minnow.

Section 3. NR 20.03(39t) is created to read:

NR 20.03 (39t) “Treble hook” means three evenly spaced hooks joined by a common shaft to form one hook with three points.

Section 4. NR 20.06(11) is created to read:

NR 20.06 (11) Fish with a minnow 8 inches or longer unless using a quick-strike rig that the person attempts to hook immediately into the mouth of a fish upon indication of a bite or unless using a non-offset circle hook.

Section 5. NR 20.20(2)(c)1. is amended to read:

NR 20.20 (2) ASHLAND (for species or waters not listed, including Lake Superior, see sub. (73))

(c) Muskellunge	1. Day lake, East Twin lake, <u>English lake,</u> <u>Mineral lake,</u> Potter lake, Spider-Moquah chain of lakes, Spillerburg lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	28
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Section 6. NR 20.20(3)(am)3. is created to read:

NR 20.20 (3) BARRON (for species or waters not listed, see sub. (73))

(am) Largemouth and smallmouth bass	3. All lakes and flowages partially within Burnett or Washburn counties, excluding Red Cedar lake	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None
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Section 7. NR 20.20(3)(b) is amended to read:

NR 20.20 (3) BARRON (for species or waters not listed, see sub. (73))

(b) Muskellunge	1. All waters <u>Rice lake,</u> <u>Stump lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>50</u>
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Section 8. NR 20.20(5)(c)2. is created to read:

NR 20.20 (5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(c) Largemouth and smallmouth bass	2. Lilly lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	No minimum length, but the possession of fish from 14 through 18 inches is prohibited and only 1 may be longer than 18 inches
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Section 9. NR 20.20(5)(em) is created to read:

NR 20.20 (5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(em) Panfish	1. Lilly lake	a. Hook and line	Continuous	10	None
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Section 10. NR 20.20(5)(h) is amended to read:

NR 20.20 (5) BROWN (for species or waters not listed, including Green Bay and its tributaries not specified in this subsection, see sub. (73))

(h) Walleye, sauger and hybrids	1. Fox river upstream from DePere dam	a. Hook and line	Continuous	5 in total	15 None, <u>pursuant to</u> <u>s. NR 20.35</u>
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Section 11. NR 20.20(7)(c) is repealed and recreated to read:

NR 20.20 (7) BURNETT (for species or waters not listed, see sub. (73))

(c) Largemouth and smallmouth bass	1. All waters not listed in this paragraph that are north of a line following STH 77, including all lakes and flowages north of that line	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5 in total	None
	2. Webb lake and all other waters not listed in this paragraph that are south of a line following STH 77, including all lakes and flowages south of that line	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None

3. Namekagon river, St. Croix river, Totagatic river	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
		Third Saturday in June to the first Sunday in March	5 in total	14

Section 12. NR 20.20(16)(c)2. is created to read:

NR 20.20 (16) DOUGLAS (for species or waters not listed, including Lake Superior, see sub. (73)). Note: Allouez bay, Little Pokegama bay, Kimballs bay and Pokegama bay are considered part of the St. Louis river, a Wisconsin-Minnesota boundary water. See chapter NR 21. The Nemadji river is an inland water that is contiguous with these Wisconsin-Minnesota boundary waters but is regulated under this subsection.

(c) Largemouth and smallmouth bass	2. All lakes and flowages partially within Burnett and Washburn counties	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5 in total	None

Section 13. NR 20.20(21)(d)1. is amended to read:

NR 20.20 (21) FOREST (for species or waters not listed, see sub. (73))

(d) Muskellunge	1. Julia lake (T38N R11E S1) , Riley lake, Roberts lake, Wabikon lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 14. NR 20.20(24)(b) is created to read:

NR 20.20 (24) GREEN LAKE (for species or waters not listed, see sub. (73))

(b) Catfish	1. All waters	a. Hook and line	Continuous for channel catfish. First Saturday in May to September 30 for flathead catfish.	25 in total but only 1 may be flathead catfish regardless of whether	None except for flathead catfish, which is 30 but the possession of flathead
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			caught on hook and line, set or bank pole, or setline	catfish from 36 to 42 is prohibited
2. Fox river 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive only	a. Set or bank pole and setline 500 feet or more from any dam	Saturday nearest May 20 to September 30	None but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited

Section 15. NR 20.20(39)(b) is created to read:

NR 20.20 (39) MARQUETTE (for species or waters not listed, see sub. (73))

(b) Catfish	1. All waters	a. Hook and line	Continuous for channel catfish. First Saturday in May to September 30 for flathead catfish.	25 in total but only 1 may be flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited
	2. Fox river 500 feet above the first dam upstream from Princeton to Wicks Landing at Fox River Drive in Green Lake county	a. Set or bank pole and setline 500 feet or more from any dam	Saturday nearest May 20 to September 30	None but only 1 may be a flathead catfish regardless of whether caught on hook and line, set or bank pole, or setline	None except for flathead catfish, which is 30 but the possession of flathead catfish from 36 to 42 is prohibited

Section 16. NR 20.20(43)(b) is amended to read:

NR 20.20 (43) OCONTO (for species or waters not listed, see sub. (73))

(b) Muskellunge	1. Anderson lake, Archibald lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>50</u>
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Section 17. NR 20.20(44)(b)4. is created to read:

NR 20.20 (44) ONEIDA (for species or waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	4. Minocqua chain (includes Kawaguesaga, Little Tomahawk, Mid, Minocqua, Mud, and Tomahawk lakes and connecting waters)	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	--
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Section 18. NR 20.20(44)(c)2. is amended to read:

NR 20.20 (44) ONEIDA (for species or waters not listed, see sub. (73))

(c) Muskellunge	2. Bridge lake, Buckskin lake, Julia lake (T38N R11E S12), Katherine lake, Nokomis lake upstream to Prairie Rapids road, Rainbow flowage, Rice River flowage, Stella lake, Two Sisters lake, Bearskin lake, Booth lake, Julia lake (T38N R11E S1), Squaw lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 19. NR 20.20(44)(g)2. is amended to read:

NR 20.20 (44) ONEIDA (for species or waters not listed, see sub. (73))

(g) Walleye, sauger and hybrids	2. <u>Maple lake, Minocqua chain (includes Kawaguesaga,</u>	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18
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Little
Tomahawk,
Mid, Minocqua
Mud, and
Tomahawk
lakes and
connecting
waters), Stella
lake, Thunder
lake

Section 20. NR 20.20(45)(a)2. is created to read:

NR 20.20 (45) OUTAGAMIE (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Appleton Memorial Park pond	a. Hook and line	Continuous but only persons under 16 years of age or disabled pursuant to s. 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None
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Section 21. NR 20.20(49)(am)2. is amended to read:

NR 20.20 (49) POLK (for species or waters not listed, see sub. (73))

(am) Largemouth and smallmouth bass	2. Big Butternut, Half Moon, Pipe, and Ward lakes, <u>and all lakes and flowages partially within Burnett county</u>	a. Hook and line	First Saturday in May to the first Sunday in March	<u>5 in total</u>	None
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Section 22. NR 20.20(51)(bm)1. is amended to read:

NR 20.20 (51) PRICE (for species or waters not listed, see sub. (73))

(bm) Muskellunge	1. Jump river, North Fork Jump river, South Fork Jump river upstream to Big Falls (T33N R2W, S20) and their tributaries upstream to the first dam or lake <u>Butternut lake, Solberg lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 23. NR 20.20(56)(e)1. is amended to read:

NR 20.20 (56) SAUK (for species or waters not listed, see sub. (73))

(e) Muskellunge	1. Redstone lake	a. Hook and line	First Saturday in May to December 31	1	40 <u>50</u>
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Section 24. NR 20.20(57)(d)4. and 5. are created to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

(d) Largemouth and smallmouth bass	4. All lakes and flowages that are partially within Washburn county and are north of a line following STH 77 east to STH 27 and south on STH 27	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5 in total	None
	5. All lakes and flowages that are partially within Washburn county and that are south of a line following STH 77 east to STH 27 and south on STH	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None

27, excluding
Birch lake

Section 25. NR 20.20(57)(e) is amended to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

(e) Muskellunge	1. Chippewa flowage, Grindstone lake, Lac Courte Oreilles lake	a. Hook and line	Saturday nearest Memorial day to November 30	1	50
	2. Brunet river from state hwy. 70 downstream to the Chippewa river including Winter flowage, Big Sissabagama lake, Moose lake	a. Hook and line.	Saturday nearest Memorial day to November 30	1	40
	3. 2. Black lake, Mud and Callahan lakes, <u>Spider lake</u> , Tiger Cat flowage and chain of lakes (T41N R7W), north fork Chief river downstream to Mud lake (T41N R7W)	a. Hook and line	Saturday nearest Memorial day to November 30	1	28
	4. 3. Chippewa river from the Chippewa flowage dam (Winter dam) downstream to and including the Raddison flowage and all tributaries upstream to the first dam or lake	a. Hook and line	First Saturday in May to November 30	1	45

Section 26. NR 20.20(57)(i)3. and 4. are amended to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

(i) Walleye, sauger and hybrids	3. Black Dan lake, Clear lake, Island lake (T39N R5W S2)	a. Hook and line	First Saturday in May to the first Sunday in March	1 in total	28
	4. <u>Black Dan lake, Island lake (T39N R5W S2)</u> , Sand lake, including Sissabagama creek upstream to Sand lake road, Nelson lake, Sissabagama lake, and Whitefish lakes	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	18

Section 27. NR 20.20(59)(a)2. is amended to read:

NR 20.20 (59) SHEBOYGAN (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: <u>Kohler-Andrae State Park pond</u> Memorial park pond, Sheboygan quarry	a. Hook and line	Continuous but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None
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Section 28. NR 20.20(59)(bm) is created to read:

NR 20.20 (59) SHEBOYGAN (for species or waters not listed, see sub. (73))

(bm) Muskellunge	1. Big Elkhart lake	a. Hook and line	First Saturday in May to December 31	1	50
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Section 29. NR 20.20(60)(b)2. is created to read:

NR 20.20 (60) ST. CROIX (for species or waters not listed, see sub. (73))

(b) Largemouth and smallmouth bass	2. Glen lake, Squaw lake	a. Hook and line	First Saturday in May to the first Sunday in March	3 in total	No minimum length, but the possession of fish from 14 through 18 inches is prohibited, and only 1 may be longer than 18 inches
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Section 30. NR 20.20(64)(d)2. is amended to read:

NR 20.20 (64) VILAS (for species or waters not listed, see sub. (73))

(d) Muskellunge	2. Allequash lake, Big Muskellunge lake, Big lake (T42N R6E S4), Crab lake, Kentuck lake, Papoose lake <u>Upper Gresham lake</u>	a. Hook and line	Saturday nearest Memorial day to November 30	1	40 <u>28</u>
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Section 31. NR 20.20(66)(bm) is amended to read:

NR 20.20 (66) WASHBURN (for species or waters not listed, see sub. (73))

(bm) Largemouth and smallmouth bass	1. Nancy lake <u>All waters not listed in this paragraph that are north of a line following STH 77, including all lakes and flowages north of that line</u>	a. Hook and line	First Saturday in May to Friday preceding third Saturday in June	0	--
			Third Saturday in June to the first Sunday in March	5 in total	None

2. Long and Middle McKenzie lakes <u>All waters not listed in this paragraph that are south of a line following STH 77, including all lakes and flowages south of that line</u>	a. Hook and line	First Saturday in May to the first Sunday in March	5 in total	None
3. <u>Balsam lake, Birch lake, Namekagon river south of STH 77, Red Cedar lake, Shell lake, Trego flowage</u>	a. Hook and line	<u>First Saturday in May to the first Sunday in March</u>	<u>5 in total</u>	<u>14</u>
4. <u>Namekagon river north of STH 77, Totagatic river</u>	a. Hook and line	<u>First Saturday in May to Friday preceding third Saturday in June</u>	<u>0</u>	<u>--</u>
		<u>Third Saturday in June to the first Sunday in March</u>	<u>5 in total</u>	<u>14</u>

Note: Par. (bm) is created eff. 4-1-11 by CR 10-025.

Section 32. NR 20.20(68)(a)2. is amended to read:

NR 20.20 (68) WAUKESHA (for species or waters not listed, see sub. (73))

(a) All species	2. The following posted urban waters: Calhoun park pond, <u>Delafield Rearing pond</u> , <u>Foxbrook pond</u> , Heyer park pond north, Heyer park pond south, Lepper Dam millpond from the dam upstream to Roosevelt drive, Lions-Overland park pond, Menomonee park pond, Minooka park pond, Muskego park pond, Nixon park pond, Regal park pond, Woodfield park pond north, Woodfield park pond south, Foxbrook pond	a. Hook and line	Continuous but only persons under 16 years of age or disabled pursuant to s 29.193 (3) (a), (b) or (c), Stats., may fish from the second Saturday in March to but not including the last Saturday in April	1 largemouth bass, smallmouth bass, northern pike, walleye, sauger or hybrid in total; 10 panfish and bullheads in total; 3 trout and salmon in total; none for rough fish	None
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Section 33. NR 20.20(73)(b)3s. is amended to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(b) Catfish	3s. All other waters of Calumet, Fond du Lac, Green Lake , Marquette , Outagamie, Shawano, Waupaca, Waushara and Winnebago counties	a. Hook and line	Continuous	25 in total	None
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Section 34. NR 20.20(73)(g)2. and 3. are amended to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(g) Muskellunge	2. All other waters north of U.S. hwy. 10 not listed in subs. (1) to (72) or this paragraph	a. Hook and line	Saturday nearest Memorial day to November 30	1	34-40
	3. All other waters south of U.S. hwy. 10 not listed in subs. (1) to (72) or this paragraph	a. Hook and line	First Saturday in May to December 31	1	34-40

Section 35. NR 23.05(5)(k) is created to read:

NR 23.05(5)

(k) Cisco (lake herring), whitefish, and their hybrids	No closed season	10 in total	No size limit
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Section 36. NR 26.01(46)(title) and (a) are created to read:

NR 26.01 (46) OZAUKEE COUNTY. (a) *Milwaukee river*. Within the fishway at the Thiensville-Mequon dam, which is a series of pools and riffles that allow fish migration 750 feet in length around the dam located at river mile 20.

Section 37. NR 26.24(38) is repealed.

Section 38. NR 26.34 is created to read:

NR 26.34 **Fish refuges**. The following areas are created and established as fish refuges and no person may take, disturb, catch, capture, kill or fish for fish in any manner from March 1 to May 31 each year, both dates inclusive, in, on or along the following described water areas.

(38) MARINETTE COUNTY. (a) *Peshtigo river*. That part of the Peshtigo river beginning at the Badger Paper Mill dam in the city of Peshtigo, section 19, township 30 north, range 23 east, downstream for a total distance of 300 feet from the dam.

Section 39. **EFFECTIVE DATE**. This rule shall take effect April 1, 2012 except Sections 20, 27, 32, 36, 37, and 38 that shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

Section 40. **BOARD ADOPTION**. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on May 25, 2011.

Dated at Madison, Wisconsin, _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____

Cathy Stepp, Secretary

(SEAL)